

**Introduced by Senator Bates**

February 19, 2016

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An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1415, as introduced, Bates. California Environmental Quality Act: water projects: exemption.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements.

The California Emergency Services Act authorizes the Governor, during a state of emergency, to issue a proclamation of a state of emergency and to suspend any regulatory statute where the Governor determines and declares that strict compliance with the statute would prevent, hinder, or delay the mitigation of the effects of the emergency.

This bill would exempt from the requirements of CEQA drought-oriented projects, as specified, proposed by one or more public agencies, or a combination of public agencies and private organizations, that have the purpose of mitigating drought conditions for which a state

of emergency has been declared by the Governor pursuant to the California Emergency Services Act.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.06 is added to the Public Resources  
2 Code, to read:

3 21080.06. (a) This division shall not apply to a project that  
4 meets both of the following:

5 (1) The project is proposed by one or more public agencies, or  
6 a combination of public agencies and private organizations, for  
7 the purpose of mitigating drought conditions for which a state of  
8 emergency has been declared by the Governor pursuant to Chapter  
9 7 (commencing with Section 8550) of Division 1 of Title 2 of the  
10 Government Code.

11 (2) The project is a drought-oriented project, primarily intended  
12 to provide, or preserve and maintain, any of the following:

13 (A) The storage capacity of water, to any degree or quality.

14 (B) The new, increased, or preserved production of water, to  
15 any degree or quality.

16 (C) The treatment of water, to any degree or quality.

17 (b) A project that is exempt under this section, and that has  
18 commenced, in any form or to any degree, including, but not  
19 limited to, any planning or engineering before actual construction,  
20 operation, or implementation, shall remain exempt regardless of  
21 whether the state of emergency has ended.

22 (c) For purposes of this section, the term “drought-oriented  
23 project” shall be liberally construed, without numerically defined  
24 thresholds, but with the intent of allowing for the most timely and  
25 beneficial use of water resources, including the capture and  
26 management of stormwater and the safe and sanitary reclamation,  
27 delivery, and reuse of consumed potable water. The Legislature  
28 recognizes that different quality of water is appropriate for different  
29 end uses of the reclaimed water, and finds that it is critical to  
30 ensure, as immediately as possible, the availability of reclaimed  
31 water to decrease the demand on potable water.

32 (d) The application of this section to a project shall not be  
33 combined with a non-drought-oriented project in an attempt to

1 make the totality of the combined project exempt from this  
2 division. The separation of elements of a larger project, for  
3 purposes of timely advancing a project pursuant to this section,  
4 shall not be deemed to be in violation of the Public Contract Code.

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